

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

AMERICAN CLINICAL LABORATORY ASSOCIATION, ET AL.	§ § § § § §	CIVIL NO. 4:24-CV-479-SDJ
v.		
U.S. FOOD AND DRUG ADMINISTRATION, ET AL.		
ASSOCIATION FOR MOLECULAR PATHOLOGY, ET AL.	§ § § § § §	CIVIL NO. 4:24-CV-824-SDJ
v.		
U.S. FOOD AND DRUG ADMINISTRATION, ET AL.		

CONSOLIDATED BRIEFING ORDER

The Court has consolidated the above-captioned matters; Cause No. 4:24-CV-824 (“*AMP*”), and Cause No. 4:24-CV-479 (“*ACLA*”). The Court previously entered a briefing schedule in the *ACLA* case. (Dkt. #15). The parties have submitted a Joint Unopposed Motion to Set Consolidated Briefing Schedule, which is **GRANTED**. The Court now enters this Consolidated Briefing Order for these consolidated matters.


The Court therefore sets the following date and page limits in the consolidated cases:

- *AMP* Plaintiffs’ opening brief (a summary judgment motion of up to forty pages) due by Friday, September 27, 2024.
- Proposed amicus briefs in support of Plaintiffs due within ten calendar days after the due date for *AMP* Plaintiffs’ opening brief.

- Absent leave of Court, proposed amicus briefs shall be no more than twenty pages.
- Defendants' opening brief (opposing both the *ACLA* Plaintiffs' and the *AMP* Plaintiffs' summary judgment motions and cross-moving for summary judgment in both cases) of up to fifty-five pages due by Friday, October 25, 2024.
- Proposed amicus briefs in support of Defendants or in support of neither party due the same number of calendar days after the due date for defendants' opening brief, as ordered above for proposed amicus briefs in support of Plaintiffs.
- *ACLA* Plaintiffs' and *AMP* Plaintiffs' closing briefs (each replying in support of their own summary judgment motion and opposing Defendants' cross-motions for summary judgment), each of up to twenty-five pages, due by Monday, November 25, 2024.
- Defendants' closing brief (replying in support of their cross-motions for summary judgment) of up to thirty-five pages, due by Monday, December 23, 2024.
- The Parties will prepare a joint appendix containing record materials cited in their respective briefs. The *ACLA* and *AMP* Plaintiffs will be responsible for filing the joint appendix with the Court by Tuesday, December 31, 2024.
- Defendants' deadline under Federal Rule of Civil Procedure 12(a)(2) to respond to the complaint in *AMP* will be stayed pending the Court's ruling on

the cross-motions for summary judgment. Defendants' deadline to respond to the complaint, (Dkt. #1), in remains deferred. (Dkt. #15 at 2).

So ORDERED and SIGNED this 20th day of September, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE